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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

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LEGALFORCE RAPC WORLDWIDE,
P.C.

Plaintiff,

v.

LEGALFORCE, INC., a Japanese
corporation,

Defendant.

Case No. : 3:22-cv-03724-TLT

**DECLARATION OF HIROFUMI TADA IN
SUPPORT OF PLAINTIFF'S
OPPOSITION TO DEFENDANT'S
MOTION TO DISMISS THE SECOND
AMENDED COMPLAINT**

Date:
Time: 2 P.M.
Dept.: Courtroom 9
Judge: Honorable Trina L. Thompson

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2. I, Hirofumi Tada, make this Declaration of Hirofumi Tada in support of Plaintiff's
 3 Opposition to Defendant's Motion to Dismiss the Second Amended Complaint.

4. The matters stated in this declaration are true of my personal knowledge, and if called
 5 upon to do so, I could and would testify competently thereto.

6. I am a licensed attorney in Japan, and a member of the Daiichi Tokyo Bar Association.

7. I am also a licensed attorney in the State of California SBN 338458.

8. I hold a LL.M degree from the University of California at Berkeley.

9. I hold a J.D. degree from the Waseda University Law School in Japan.

10. I hold a LL.B. degree from the University of Tokyo in Japan.

11. I am fluent in both Japanese and English.

12. I am an attorney at Ohno & Partners in Japan, focusing my practice on intellectual
 13 property law, including trademark law and unfair competition since 2015.

14. On January 20, 2023, approximately six months after the initial complaint in this case
 15 Case No.:3:22-cv-03724-TLT was filed, LegalForce, Inc. ("Defendant" in this case), a
 16 Japanese corporation filed a retaliatory lawsuit against the Plaintiff LegalForce RAPC
 17 Worldwide P.C. ("LegalForce", "Plaintiff" in this case).

18. I am counsel to the Plaintiff in the Japanese lawsuit, but I am not counsel to the
 19 Plaintiff in the instant U.S. proceeding.

20. **Ex. 1** is a true and correct copy of a Complaint to the Japanese lawsuit captioned
 21 *LegalOn Technologies, Inc. v. LegalForce RAPC Worldwide P.C.*, Case number 2023 (Wa)
 22 70022 filed in the Tokyo District Court by the Defendant LegalOn Technologies, Inc.
 23 ("Defendant") on January 20, 2023 ("Japanese Complaint").

24. In the Japanese Complaint of **Ex. 1**, the Defendant admits that Defendant raised
 25 venture capital funds for the purpose for expansion into the United States.

26. Specifically, in areas which I highlighted with red-outline □, the Defendant admits in
 27 the Japanese Complaint of **Ex. 1.**, translated by me from Japanese to English as follows:

28. "The Defendant [the Plaintiff in the instant proceeding] filed this lawsuit in the U.S
 on June 24, 2022, the day after the Plaintiff [the Defendant in the instant

1 proceeding] issued a press release regarding financing for expansion into the U.S."

2 **Red-outline □ section, Ex. 1.**

3 15. **Ex. 2** is a true and correct copy of a Japanese article translated by me from Japanese to
 4 English having the headline "*LegalForce Raised 13.7 billion JPY in Series D Round of*
 5 *Funding - International Expansion Also Revealed*" dated June 24, 2022, in a web media
 6 named "ZD NET."

7 16. The Defendant admits that they had a specific plan to expand its business to the United
 8 States in **Ex. 2**.

9 17. Specifically, the areas which I highlighted with red-outline □ in **Ex. 2**, describe
 10 admissions by Mr. Nozomu Tsunoda, chief executive officer of the Defendant, translated by
 11 me from Japanese to English as follows:

12 LegalForce, which provides the contract review platform LegalForce and the
 13 artificial intelligence (AI) contract management system LegalForce Cavine,
 14 announced on June 23 a total of approximately 13.7 billion JPY in Series D round
 15 funding and overseas expansion. ... With this funding, Mr. Tsunoda announced
 16 overseas expansion as a new business. ... It is told that they are considering
 17 expanding first to English-speaking countries, with a particular focus on the United
 18 States. 'There are more than 1,000 legal tech start-ups in the English-speaking
 19 world, but it is still in its infancy, and there is a lot of potential,' said Mr. Tsunoda,
 20 citing the fact that there are currently no services similar to the company's flagship
 21 product, LegalForce. ... It is told that they hope to complete the market research
 22 and launch the initial product by March 2023. The strategy is to create a product
 23 that is adapted to the U.S. market and contractual practices, rather than to
 24 introduce an English-language version of a product that is currently being
 25 developed in Japan. In order to expand overseas, a Global Strategy Department has
 26 been established, and Mr. JP Biard has been appointed as the head of the
 27 department.

28 **Red-outline □ section, Ex. 2.**

29 18. **Ex. 2** displays a slide apparently prepared by the Defendant depicting an orange cell in
 30 the slide admits that, translated by me from Japanese to English, as follows "there is no
 31 leading companies" that provide "contract review assistance" in the United States:



19. **Ex. 3** is a true and correct copy of Japanese article translated by me from Japanese to English having the headline "*Legal Force's 13.7 billion JPY Raise 'Lowered Valuations and Raised Amounts' and 'Some Investors Left Because of the Recession,'*" dated June 29, 2022, in a web media named "Business Insider."

20. In **Ex. 3**, the Defendant admits that it has a plan to expand its business to the United States with the 13.7 billion JPY funds raised (approximately \$100 million USD).

21. Specifically, in areas which I highlighted with red-outline in **Ex. 3**, describe admissions of Mr. Akira Ohki, executive officer of the Defendant in charge of corporate planning as of the date, translated by me from Japanese to English as follows:

According to the speaker, Mr. Akira Ohki (executive officer in charge of corporate planning at LegalForce [the Defendant]), the company began preparing for the fundraising in the summer of 2021. ... The company plans to use the funds raised to expand into the United States. 'We are aware that there are very few contract review companies in the U.S. that are as large as we are. There are concerns about the weak yen, but there is a possibility that it will go further, and I do not think we should be pulled in too far by that.

Red-outline section, Ex. 3.

22. **Ex. 4** is a true and correct copy of Japanese article translated by me from Japanese to English having the headline "*LegalForce Raised 13.7 billion JPY in Funding, 'Software Should Be the Norm in Legal Services,' Legal Tech Venture President Mr. Tsunoda Says 'He Hopes to Expand into the U.S. Next Year,'*" dated June 24, 2022, in a web media named "Ascii Start Up."

23. In **Ex. 4**, the Defendant admits to its plan to expand its business to the United States.

4 LegalForce, a legal tech venture, has successfully raised a major 13.7 billion JPY in
5 funding. In the latest Series D investment round, SoftBank Vision Fund 2 was the lead
6 investor, with new participation from Sequoia China and Goldman Sachs. 'We want to
enter the U.S. market by March 2023,' said Mr. Nozomu Tsunoda, president and
representative director of the company.

Red-outline □ section, Ex. 4.

9 25. Ex. 5 is a true and correct copy of the Defendant's website page
10 <https://legalontech.jp/company/> which shows a picture of two individuals under the
11 description translated by me from Japanese to English admitting that "April 2017: Founded
12 LegalForce [the Defendant]," and therefore suggesting that the Defendant was founded by
13 these two individuals in the picture in April 2017. **Red-outline □ section, Ex. 5.**

14 26. Ex. 5 also admits in a sentence as translated by me from Japanese to English that "June
15 2022: Funded a total of approximately 13.7 billion JPY in the Series D round." **Red-outline**
16 □ **section, Ex. 5.**

17 27. Ex. 5 further admits in a sentence as translated by me from Japanese to English that
18 "September 2022: Number of companies using LegalForce exceeded 2,500." **Red-outline** □
19 **section, Ex. 5.**

20 28. **Ex. 6** is a true and correct copy of a press release on the Defendant's web page
21 <https://legalontech.jp/5491/> dated December 1, 2022.

22 29. Ex. 6 shows an article translated by me from Japanese to English with the headline
23 "*Announcement of Corporate Name Change* We change our name from 'LegalForce' to
24 'LegalOn Technologies' and starting our global operations." **Red-outline □ section, Ex. 6.**

25 30. Ex. 6 also admits in a sentence as translated by me from Japanese to English that "The
26 names of the AI contract review platform 'LegalForce' and the AI contract management
27 system 'LegalForce Cabinet' will remain unchanged and will continue to be offered as
28 before." **Red-outline □ section, Ex. 6.**

1 31. **Ex. 7** is a true and correct copy of a public record of a registered U.S. trademark
 2 application No. 85785842 filed and owned by the Plaintiff on November 21, 2012, and
 3 registered on June 4, 2013 for the Mark Literal Elements “LF LEGALFORCE” logo mark. It
 4 shows the new design mark next to the words LegalForce as follows:



10 32. **Ex. 8** is a true and correct copy of a public record of a Japanese registered trademark
 11 No. 6529776 filed and owned by the Defendant. It shows that it was filed on July 8, 2021,
 12 and registered on March 17, 2022. It further shows that the mark is pronounced as LF by
 13 describing that "[Pronunciation (reference information)]: el ef." The mark is shown below:



17 33. **Ex. 9** is a true and correct copy of the Defendant's web page
 18 <https://legalontech.jp/4882/> dated September 22, 2022, marketing its product translated by
 19 me from Japanese to English with the headline "*AI contract review platform 'LegalForce,'*
 20 *register with Okta's 'Okta Integration Network' - Single sign-on (SSO) with LegalForce can*
 21 *be set up in a few clicks.*" In this page, the mark below is used in commerce as :



26 34. **Ex. 10** is a true and correct copy of a public record of a U.S. trademark application No.
 27 79347079 filed and owned by the Defendant, the mark was only recently abandoned on
 28 February 7, 2023. " The mark is shown below:



35. **Ex. 11** is a true and correct copy of the Defendant's web page, <https://en.legalontech.jp/> as of May 24, 2023.

36. The website in **Ex. 11** provides an English version which can be selected by clicking "EN," and this version is written in English.

37. The website in **Ex. 11** continues to advertise the mark below as of May 24, 2023 after the Defendant's Motion to Dismiss the Second Amended Complaint was filed in this Case No.:3:22-cv-03724-TLT on May 16, 2023:



38. In **Ex. 11**, the characters L and F in the design mark portion, and the alphanumeric characters LEGALFORCE are purely in Roman characters, not in Japanese characters are advertised on the English version website in **Ex. 11** as of May 24, 2023.

39. **Ex. 12** is a true and correct copy of a public record of a Japanese trademark No. 6661133 filed and owned by the Defendant. It shows that it was filed on October 7, 2022, and registered on January 11, 2023. The mark is shown below:



40. **Ex. 13** is a true and correct copy of a public record of a U.S. trademark application No. 97799190 filed and owned by the Defendant on February 17, 2023. The mark is shown below:



41. In the above-mentioned **Ex. 5**, of the Defendant's Japanese website page
<https://legalontech.jp/company/> the logo marks in **Ex. 12** and **Ex. 13** are advertised in
commerce to be used in conjunction with the name LegalOn Technologies as follows:



42. **Ex. 14** is a true and correct copy of a public record of a Japanese trademark No. 6661144 filed on October 18, 2022, registered on January 11, 2023, and owned by the Defendant. It shows the new design mark next to the words LegalOn Technologies as follows:



43. **Ex. 15** is a true and correct copy of a public record of a U.S. trademark application No. 97799217 filed on February 17, 2023 and owned by the Defendant. It shows the new design mark next to the words LegalOn Technologies as follows:



44. **Ex. 16** is a true and correct copy of the Defendant's web page, www.legalontech.com. When the browser loads to www.legalontech.com, the default language is English. This website does not default to Japanese, it is written purely in English. Moreover, this website advertised in commerce as of May 24, 2023 services using the mark below:



45. In **Ex. 16**, the characters L and F in the design mark portion, and the alphanumeric
5 characters LegalOn are purely in Roman characters, not in Japanese characters are advertised
6 on the English version website in Ex. 16 as of May 24, 2023.

7 46. I declare under the penalty of perjury under the law of the United States of America
8 that the foregoing is true and correct.

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11 Respectfully submitted on **May 25, 2023**

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/s/
15 Hirofumi Tada
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